

# SENATE BILL No. 501

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 27-7.

**Synopsis:** Insurance eligibility for victims of abuse. Prohibits an insurer of an automobile insurance policy from refusing to issue coverage, terminating coverage, or restricting coverage to an individual based on that individual's history of or potential for being a victim of abuse. Prohibits the insurer of a homeowner's insurance policy from refusing to issue coverage, terminating coverage, or restricting coverage to an individual based on that individual's history of or potential for being a victim of abuse.

**Effective:** July 1, 1999.

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**Lanane, Antich**

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January 19, 1999, read first time and referred to Committee on Insurance and Financial Institutions.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 501

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 27-7-6.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1999]:

4 **Chapter 6.5. Automobile Insurance Coverage for Victims of**  
5 **Abuse**

6 **Sec. 1. This chapter applies to an automobile insurance policy**  
7 **(as defined in IC 27-7-6-2).**

8 **Sec. 2. As used in this chapter, "abuse" refers to the occurrence**  
9 **of one (1) or more of the following acts between family members,**  
10 **current or former household members, or an individual who has**  
11 **been granted a protective order under IC 34-26-2:**

12 (1) **Attempting to cause or intentionally, knowingly, or**  
13 **recklessly causing bodily injury to, physical harm to, sexual**  
14 **assault on, involuntary sexual intercourse with, or rape of**  
15 **another individual.**

16 (2) **Knowingly engaging in a course of conduct or repeatedly**  
17 **committing acts, including stalking (as defined in**



IC 35-45-10-1) or impermissible contact (as defined in IC 35-45-10-3), under circumstances that place the individual toward whom such acts are directed in reasonable fear of bodily injury or physical harm.

(3) Subjecting another individual to false imprisonment.

(4) Attempting to cause or intentionally, knowingly, or recklessly causing damage to property in order to intimidate or attempt to control the behavior of another individual.

Sec. 3. As used in this chapter, "individual" means a natural person whether adult or minor.

Sec. 4. As used in this chapter, an "insurance policy" refers to an automobile insurance policy described in section 1 of this chapter.

Sec. 5. As used in this chapter, "insurer" means a company, a firm, a partnership, an association, an order, a society, or a system:

(1) making any of the kinds of insurance; or

(2) entering into any of the kinds of contracts;

described in section 1 of this chapter.

Sec. 6. An insurer may not do any of the following:

(1) Deny or refuse to issue coverage on, refuse to contract with, refuse to renew, refuse to issue, or otherwise terminate or restrict coverage on an individual under an insurance policy because the individual:

(A) has been, is, or has the potential to be a victim of abuse; or

(B) seeks, has sought, or should have sought protection from abuse, shelter from abuse, or medical or psychological treatment for abuse.

(2) Add a surcharge or rating factor to a premium of an insurance policy because an individual:

(A) has a history of being;

(B) is; or

(C) has the potential to be;

a victim of abuse.

(3) Exclude or limit coverage for losses or deny a claim incurred by a person covered by an insurance policy as a result of abuse or the potential for abuse.

(4) Ask an individual covered by or applying for an insurance policy if the individual:

(A) is, has been, or may be a victim of abuse; or

(B) seeks, has sought, or should have sought protection from abuse, shelter from abuse, or medical or

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psychological treatment for abuse.

**Sec. 7. A violation of this chapter is an unfair and deceptive act and practice in the business of insurance under IC 27-4-1-4.**

SECTION 2. IC 27-7-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

**Chapter 12. Homeowner's Insurance Coverage for Victims of Abuse**

**Sec. 1. This chapter applies to homeowner's insurance as described in Class 3(a) of IC 27-1-5-1.**

**Sec. 2. As used in this chapter, "abuse" refers to the occurrence of one (1) or more of the following acts between family members, current or former household members, or an individual who has been granted a protective order under IC 34-26-2:**

(1) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury to, physical harm to, sexual assault on, involuntary sexual intercourse with, or rape of another individual.

(2) Knowingly engaging in a course of conduct or repeatedly committing acts, including stalking (as defined in IC 35-45-10-1) or impermissible contact (as defined in IC 35-45-10-3), under circumstances that place the individual toward whom such acts are directed in reasonable fear of bodily injury or physical harm.

(3) Subjecting another individual to false imprisonment.

(4) Attempting to cause or intentionally, knowingly, or recklessly causing damage to property in order to intimidate or attempt to control the behavior of another individual.

**Sec. 3. As used in this chapter, "individual" means a natural person whether adult or minor.**

**Sec. 4. As used in this chapter, "insurance policy" refers to a homeowner's insurance policy as described in section 1 of this chapter.**

**Sec. 5. As used in this chapter, "insurer" means a company, a firm, a partnership, an association, an order, a society, or a system:**

(1) making any of the kinds of insurance; or

(2) entering into any of the kinds of contracts;

described in section 1 of this chapter.

**Sec. 6. An insurer may not do any of the following:**

(1) Deny or refuse to issue coverage on, refuse to contract with, refuse to renew, refuse to issue, or otherwise terminate or restrict coverage on an individual under an insurance

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1 policy because the individual:

2 (A) has been, is, or has the potential to be a victim of  
3 abuse; or

4 (B) seeks, has sought, or should have sought protection  
5 from abuse, shelter from abuse, or medical or  
6 psychological treatment for abuse.

7 (2) Add any surcharge or rating factor to a premium of an  
8 insurance policy because an individual:

9 (A) has a history of being;

10 (B) is; or

11 (C) has the potential to be;  
12 a victim of abuse.

13 (3) Exclude or limit coverage for losses or deny a claim  
14 incurred by a person covered by an insurance policy as a  
15 result of abuse or the potential for abuse.

16 (4) Ask an individual covered by or applying for an insurance  
17 policy if the individual:

18 (A) is, has been, or may be a victim of abuse; or

19 (B) seeks, has sought, or should have sought protection  
20 from abuse, shelter from abuse, or medical or  
21 psychological treatment for abuse.

22 Sec. 7. A violation of this chapter is an unfair and deceptive act  
23 and practice in the business of insurance under IC 27-4-1-4.

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